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8 Attorneys for Plaintiffs,
9 LAFACE RECORDS LLC; ELEKTRA
10 ENTERTAINMENT GROUP INC.; UMG
11 RECORDINGS, INC.; and WARNER
12 BROS. RECORDS INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 LAFACE RECORDS LLC, a Delaware limited
17 liability company; ELEKTRA
18 ENTERTAINMENT GROUP INC., a Delaware
19 corporation; UMG RECORDINGS, INC., a
20 Delaware corporation; and WARNER BROS.
21 RECORDS INC., a Delaware corporation,

22 Plaintiffs,

23 v.

24 JENNIFER LYNN GLASS,

25 Defendant.

CASE NO. 4:07-CV-04847-SBA

Honorable Saundra Brown Armstrong

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for July 17, 2008, at 4:00 p.m., to October 16, 2008. As further explained below,
3 Defendant Jennifer Lynn Glass (“Defendant”) has not yet been served or appeared in this action, and
4 therefore there is no need for a case management conference at this time.

5 1. Plaintiffs filed their initial Complaint against a John Doe defendant on September 20,
6 2007. In order to obtain information sufficient to identify the Doe defendant, Plaintiffs also filed
7 their *Ex Parte* Application for Leave to Take Immediate Discovery on September 20, 2007, seeking
8 the Court’s permission to serve a Rule 45 subpoena on Defendant’s Internet Service Provider
9 (“ISP”). On October 4, 2007, the Court issued its Order for Leave to Take Immediate Discovery,
10 which was promptly served on the ISP along with a Rule 45 subpoena. On November 16, 2007, the
11 ISP responded to Plaintiffs’ subpoena, identifying the Defendant, Jennifer Lynn Glass.

12 2. While the case was still in the Doe stage, the Court issued a January 4, 2008 Order
13 granting Plaintiffs’ previous request to continue the case management conference from January 10,
14 2008, and once the First Amended Complaint was filed, the Court issued an order on March 28,
15 2008 granting Plaintiffs’ second request to continue the case management conference from April 9,
16 2008.¹

17 3. After the ISP identified Ms. Glass, Plaintiffs sent her a letter notifying her of
18 Plaintiffs’ copyright infringement claim and inviting her to contact Plaintiffs to attempt to resolve
19 the dispute. Although that letter was returned undelivered, Plaintiffs made further attempts to reach
20 Ms. Glass and were eventually able to initiate settlement talks and forward written notification of
21 their claims. The parties did not reach a settlement.

22 4. Accordingly, Plaintiffs filed a First Amended Complaint on February 29, 2008,
23 naming Ms. Glass individually as Defendant.

24 5. To date, Plaintiffs’ attempts to serve Defendant with process have been unsuccessful.
25 Although Plaintiffs believe that Defendant is avoiding service and have sent her a service waiver
26

27 ¹ The Court also issued two orders granting Plaintiffs’ requests for extensions of time to effectuate
28 service. These orders were issued on May 5, 2008 and June 16, 2008.

request, Defendant has not yet returned the waiver, which is due back on July 3, 2008. Thus, Plaintiffs' efforts to serve Defendant will continue.

6. Given the foregoing circumstances, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the Court continue the case management conference currently set for July 16, 2008, at 2:30 p.m., to October 15, 2008, or such other date as conveniences the Court.

7. Plaintiffs will provide Defendant with a copy of this request and any Order concerning this request when service of process occurs.

Dated: July 2, 2008

HOLME ROBERTS & OWEN LLP

By: /s/ Dawniell Alise Zavala
DAWNIELL ALISE ZAVALA
Attorney for Plaintiffs

[PROPOSED] ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for July 16, 2008, at 2:30 p.m., be continued to October 15, 2008.

Dated: _____

By: _____
Honorable Sandra Brown Armstrong
United States District Judge